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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,317	12/11/2003	Richard Kardeis	5497-67127	6017
24197	7590	09/21/2005	EXAMINER	
KLARQUIST SPARKMAN, LLP 121 SW SALMON STREET SUITE 1600 PORTLAND, OR 97204			HEWITT, JAMES M	
		ART UNIT		PAPER NUMBER
				3679

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*He*

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/735,317	KARDEIS ET AL.
Examiner	Art Unit	
James M. Hewitt	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 12/11/03 & 4/8/05.  
2a) This action is **FINAL**.                            2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-3,20-22 and 29-31 is/are rejected.  
7) Claim(s) 4-19, 23-28 is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on 11 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/11/03 & 4/8/05.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

The information disclosure statement filed 12/11/03 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. Accordingly, none of the foreign patent documents have been considered.

***Drawings***

The drawings are objected to because: in Figure 1, shouldn't '1A' be '3A' and vice versa?; in Figure 3, it is unclear as what structure the lead line for numeral '15' references. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. See MPEP 608.01(p).

The disclosure is objected to because of the following informalities:

Throughout the detailed description, reference numeral '3' is identified as both a motor side coupling and a motor.

Identifying sleeve 12 as a "motor sleeve" is inaccurate, as such sleeve does not appear to be part of the motor.

Also, each reference to longitudinal axis 1A or 3A should be checked for accuracy. For instance, on page 5 line 7 and on page 6 line 7. And on page 6 line 7, the numeral '1A' should follow "axis" and not "coupling".

Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: projecting element and bearing member do not find proper antecedent basis in the specification.

### ***Claim Objections***

Claims 4-5, 9-11, 17-18, 25-27 and 31 are objected to because of the following informalities:

In claim 4 line 2, "said mating surface (of said locking plate)" lacks proper antecedent basis. Should claim 4 depend from claim 3?

In claim 5 line 2, "said mating surface (of said locking plate)" lacks proper antecedent basis. Should claim 4 depend from claim 3?

In claim 9 line 3, "unlock" should be "lock".

In claim 11 line 2, "or" should be "along".

In claim 17, what causes the bearing member to shift? As written at present, it the bearing member is just said to shift.

In claim 18 line 2, "or" should be "along".

In claim 25 line 3, "unlock" should be "lock".

In claim 27 line 2, "or" should be "along".

In claim 31 line 2, "or" should be "and".

In claim 31 line 4, "or" should be "and".

Claims 1-31 are objected to under 37 CFR 1.75(g), which states "The least restrictive claim should be presented as claim number 1". At least claims 29 and 30 appear to be less restrictive than claim 1.

Claims 1-31 are objected to under 37 CFR 1.75(i), which states "Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation."

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 20-22 and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Earle et al (US 2,552,543).

With respect to claim 1, Earle et al discloses a plug connection for fast-fit coupling of two appliances forming part of a medical handpiece system, the plug connection comprising a first coupling fitting (10) on one of said appliances and a second coupling fitting (16) on the other of said appliances, said first coupling fitting having a movable locking plate (26/28/46) thereon and the second coupling fitting having a projecting element (52) thereon projecting toward said first coupling fitting and positioned to engage and move said locking plate between lock and unlock positions

when said first and second coupling fittings are moved toward and away from each other.

With respect to claim 2, which further comprises a biasing element (32) urging said locking plate from its lock position toward its unlock position.

With respect to claim 3, wherein said locking plate and projecting element have mating surfaces which engage one another to cause the locking plate to move toward its lock position when said coupling fittings are joined.

With respect to claim 20, Earle et al discloses a plug connection for fast-fit coupling of two appliances forming part of a medical handpiece system, the plug connection comprising a first coupling fitting (10) on one of said appliances having a longitudinal axis and a second coupling fitting (16) on the other of said appliances having a longitudinal axis, said first coupling fitting having a movable locking plate (26/28/46) thereon and the second coupling fitting having a projecting element thereon projecting toward said first coupling fitting and positioned to engage and move said locking plate between lock and unlock positions when said first and second coupling fittings are moved axially toward and away from each other.

With respect to claim 21, wherein said locking plate is mounted for movement laterally of the longitudinal axis of said first coupling fitting (the plate is capable of moving laterally of the coupling's longitudinal axis) and which further comprises a biasing element (32) urging said locking plate toward said unlock position.

With respect to claim 22, wherein said locking plate and projecting element have engaging surfaces which engage one another to cause said locking plate to move

laterally of the longitudinal axis of said first coupling fitting from its unlock position toward its lock position as said projecting element is moved with said second coupling in an axial direction.

With respect to claim 29, Earle et al discloses a plug connection for a medical handpiece system including an electric motor drive to drive a treatment instrument and a supply conductor, said plug connection comprising a fast-fit coupling connection between the electric motor drive and the supply conductor.

The claim is drawn to a plug connection. The motor and supply conductor are not considered to be positively claimed.

With respect to claim 30, Earle et al discloses a plug connection for a medical handpiece system including a motor to drive a treatment instrument and a supply conductor, said plug connection comprising a fast-fit coupling connection between the motor drive and the supply conductor wherein coupling between the motor and supply conductor is achieved by axially plugging together the motor and supply conduit.

The claim is drawn to a plug connection. The motor and supply conductor are not considered to be positively claimed.

With respect to claim 31, wherein said fast-fit coupling comprises a shape-actuated coupling comprising at least one shaped element (22) connected to one of said electric motor drive or supply conductor and movable between an unlock position and a lock position spaced laterally from said unlock position, and a receiving groove (56) on the other of said electric motor drive or supply conductor oriented to receive said shaped element in its lock position.

The claim is drawn to a plug connection. The motor and supply conductor are not considered to be positively claimed.

Claims 1-3, 20-22 and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al (US 5,143,347).

With respect to claim 1. Lee et al discloses a plug connection for fast-fit coupling of two appliances forming part of a medical handpiece system, the plug connection comprising a first coupling fitting on one of said appliances and a second coupling fitting on the other of said appliances, said first coupling fitting having a movable locking plate (152) thereon and the second coupling fitting (16) having a projecting element thereon projecting toward said first coupling fitting and positioned to engage and move said locking plate between lock and unlock positions when said first and second coupling fittings are moved toward and away from each other.

With respect to claim 2, which further comprises a biasing element (153) urging said locking plate from its lock position toward its unlock position.

With respect to claim 3, wherein said locking plate and projecting element have mating surfaces which engage one another to cause the locking plate to move toward its lock position when said coupling fittings are joined.

With respect to claim 20, Lee et al discloses a plug connection for fast-fit coupling of two appliances forming part of a medical handpiece system, the plug connection comprising a first coupling fitting on one of said appliances having a longitudinal axis and a second coupling fitting (16) on the other of said appliances

having a longitudinal axis, said first coupling fitting having a movable locking plate (152) thereon and the second coupling fitting having a projecting element thereon projecting toward said first coupling fitting and positioned to engage and move said locking plate between lock and unlock positions when said first and second coupling fittings are moved axially toward and away from each other.

With respect to claim 21, wherein said locking plate is mounted for movement laterally of the longitudinal axis of said first coupling fitting and which further comprises a biasing element (153) urging said locking plate toward said unlock position.

With respect to claim 22, wherein said locking plate and projecting element have engaging surfaces which engage one another to cause said locking plate to move laterally of the longitudinal axis of said first coupling fitting from its unlock position toward its lock position as said projecting element is moved with said second coupling in an axial direction.

With respect to claim 29, Lee et al discloses a plug connection for a medical handpiece system including an electric motor drive to drive a treatment instrument and a supply conductor, said plug connection comprising a fast-fit coupling connection between the electric motor drive and the supply conductor.

The claim is drawn to a plug connection. The motor and supply conductor are not considered to be positively claimed.

With respect to claim 30, Lee et al discloses a plug connection for a medical handpiece system including a motor to drive a treatment instrument and a supply conductor, said plug connection comprising a fast-fit coupling connection between the

motor drive and the supply conductor wherein coupling between the motor and supply conductor is achieved by axially plugging together the motor and supply conduit.

The claim is drawn to a plug connection. The motor and supply conductor are not considered to be positively claimed.

With respect to claim 31, wherein said fast-fit coupling comprises a shape-actuated coupling comprising at least one shaped element (152) connected to one of said electric motor drive or supply conductor and movable between an unlock position and a lock position spaced laterally from said unlock position, and a receiving groove (162) on the other of said electric motor drive or supply conductor oriented to receive said shaped element in its lock position.

The claim is drawn to a plug connection. The motor and supply conductor are not considered to be positively claimed.

### ***Allowable Subject Matter***

Claims 4-13 and 23-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Note that the allowability of claims 4-13 and 23-28 is contingent upon overcoming the above-noted claim objections (see ***Claim Objections*** above).

Claims 14-19 would be allowable if rewritten to overcome the above-noted claim objections (see ***Claim Objections*** above).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JAMES M. HEWITT  
PRIMARY EXAMINER